

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) No. CR 05-00681 JF
Plaintiff,) STIPULATION AND [PROPOSED]
v.) ORDER CONTINUING CASE AND
FELIX LEYVA-ANAYA,) EXCLUDING TIME UNDER THE
a/k/a Felix Leyva,) SPEEDY TRIAL ACT, 18 U.S.C. § 3161
Defendant.)

This matter was set for Wednesday, February 7, 2007 for setting or disposition. Plaintiff United States of America, by and through Assistant United States Attorney Matthew A. Lamberti, and defendant Felix Leyva-Anaya, by and through his counsel Mary E. Conn, hereby AGREE AND STIPULATE that this matter be continued from February 7, 2007 at 9:00 a.m. to February 21, 2007 at 9:00 a.m.

The parties also AGREE AND STIPULATE that the period of time from February 7, 2007 through and including February 21, 2007, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* because Mary E. Conn recently replaced Cynthia C. Lie as defense counsel, Ms. Conn has other court appearances the morning of February 7, 2007, and the defendant need additional time for continuity of counsel and effective preparation and investigation.

DATED: 2/6/07

KEVIN V. RYAN
United States Attorney

/s/

MATTHEW A. LAMBERTI
Assistant United States Attorney

DATED: 2/6/07

MARY E. CONN
Counsel for the Defendant

/s/

[PROPOSED] ORDER

Based upon the foregoing, and good cause appearing therefor, the Court finds pursuant to Title 18, United States Code, Section 3161(h)(8)(A), considering the factors set forth in Section 3161(h)(8)(B), that the interests of justice in granting this continuance outweigh the defendant's and the public's interests in a speedy trial inasmuch as Mary E. Conn recently replaced Cynthia C. Lie as defense counsel, Ms. Conn has other court appearances the morning of February 7, 2007, and the defendant need additional time for continuity of counsel and effective preparation and investigation.

IT IS HEREBY ORDERED THAT this matter be continued from February 7, 2007 at 9:00 a.m. to February 21, 2007 at 9:00 a.m.

IT IS FURTHER ORDERED that the period of time from February 7, 2007 through and including February 21, 2007 be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*

IT IS SO ORDERED.

DATED: 2/7/07

HON. JEREMY FOGL
United States District Judge

1 Copies to be served on:

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